

# EDMONDS CITY COUNCIL APPROVED MINUTES

## February 22, 2005

The Edmonds City Council meeting was called to order at 7:02 p.m. by Mayor Haakenson in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds. The meeting was opened with the flag salute.

### ELECTED OFFICIALS PRESENT

Gary Haakenson, Mayor  
Richard Marin, Council President  
Michael Plunkett, Councilmember  
Jeff Wilson, Councilmember  
Mauri Moore, Councilmember  
Peggy Pritchard Olson, Councilmember  
Dave Orvis, Councilmember  
Deanna Dawson, Councilmember

### ALSO PRESENT

Bryan Huntzberger, Student Representative

### STAFF PRESENT

David Stern, Chief of Police  
Stephen Clifton, Community Services Director  
Dan Clements, Administrative Services Director  
Jennifer Gerend, Economic Development Dir.  
Rob Chave, Planning Manager  
Dave Gebert, City Engineer  
Scott Snyder, City Attorney  
Sandy Chase, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

### 1. APPROVAL OF AGENDA

Council President Marin requested a Proclamation for Rotary International be added to the agenda as Item 3A and Item 3A moved to 3B.

Change to  
Agenda

**COUNCIL PRESIDENT MARIN MOVED, SECONDED BY COUNCILMEMBER MOORE, FOR APPROVAL OF THE AGENDA AS AMENDED. MOTION CARRIED UNANIMOUSLY.**

### 2. CONSENT AGENDA ITEMS

Council President Marin requested Items E and H be removed from the Consent Agenda.

**COUNCIL PRESIDENT MARIN MOVED, SECONDED BY COUNCILMEMBER OLSON, FOR APPROVAL OF THE CONSENT AGENDA AS AMENDED. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:**

(A) **ROLL CALL**

(B) **APPROVAL OF CITY COUNCIL MEETING MINUTES OF FEBRUARY 15, 2005.**

(C) **APPROVAL OF CLAIM CHECKS #77420 THROUGH #77573 FOR THE WEEK OF FEBRUARY 14, 2005, IN THE AMOUNT OF \$619,529.47. APPROVAL OF PAYROLL DIRECT DEPOSITS AND CHECKS #40211 THROUGH #40286 FOR THE PERIOD FEBRUARY 1 THROUGH FEBRUARY 15, 2005, IN THE AMOUNT OF \$749,620.48.**

(D) **ACKNOWLEDGE RECEIPT OF CLAIM FOR DAMAGES FROM LEIGH GORRELL (AMOUNT UNDETERMINED).**

(F) **AUTHORIZATION FOR THE MAYOR TO SIGN THE CONTRACT FOR PROFESSIONAL SERVICES FOR CITY OF EDMONDS PROSECUTOR.**

Approve  
2/15/05  
Minutes

Approve  
Claim Checks

Claim for  
Damages

Prosecutor  
Contract

Lift Stations  
7 and 8  
Integration

- (G) **AUTHORIZATION FOR THE MAYOR TO SIGN ADDENDUM NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC. FOR THE LIFT STATIONS 7 AND 8 INTEGRATION AND REHABILITATION PROJECT.**

**Item E: Approval of the list of Edmonds businesses applying for renewal of their Liquor Licenses with the Washington State Liquor Control Board.**

Council President Marin advised he pulled this item to abstain from the vote.

**COUNCILMEMBER ORVIS MOVED, SECONDED BY COUNCILMEMBER MOORE, FOR APPROVAL OF ITEM E. MOTION CARRIED (6-0-1), COUNCIL PRESIDENT MARIN ABSTAINED. The item approved is as follows:**

Liquor  
Control Board

- (E) **APPROVAL OF LIST OF EDMONDS BUSINESSES APPLYING FOR RENEWAL OF THEIR LIQUOR LICENSES WITH THE WASHINGTON STATE LIQUOR CONTROL BOARD**

**Item H. Proposed Resolution opposing Senate Bill 5121 and House Bill 1390 as originally proposed, the first reading of each were held on January 13, 2005 and January 21, 2005 respectively and the legislative process employed in addressing the issues.**

Council President Marin explained he pulled this item from the Consent Agenda in order to highlight it so that citizens were aware of this action to oppose further action by the Legislature that would potentially undermine jurisdictions' ability to have input on the siting of airports.

**COUNCIL PRESIDENT MARIN MOVED, SECONDED BY COUNCILMEMBER ORVIS, FOR APPROVAL OF ITEM H.**

Councilmember Moore suggested the information in the resolution be updated as SB5121 had been reworded in the past few days to require a statewide siting process. Council President Marin responded the change was reflected in the resolution.

**MOTION CARRIED UNANIMOUSLY. The item approved is as follows:**

Res# 1085  
Opposing  
Senate Bill  
5121 and  
House Bill  
1390

- (H) **RESOLUTION NO. 1085 OPPOSING SENATE BILL 5121 AND HOUSE BILL 1390 AS ORIGINALLY PROPOSED; THE FIRST READINGS OF EACH WERE HELD ON JANUARY 13, 2005 AND JANUARY 21, 2005 RESPECTIVELY AND THE LEGISLATIVE PROCESS EMPLOYED IN ADDRESSING THE ISSUES.**

Rotary  
International  
Centennial

**3A. PROCLAMATION IN HONOR OF ROTARY INTERNATIONAL CENTENNIAL ANNIVERSARY**

Mayor Haakenson read a Proclamation recognizing February 23, 2005 as Rotary International Centennial Day in Edmonds. He presented the Proclamation to the President of the Edmonds Daybreakers Rotary Club, Jim Crim, and the President of the Rotary Club of Edmonds, Elizabeth Crouch. Ms. Crouch thanked the Council for honoring Rotary International's Centennial anniversary. She expressed her pride to be a Rotarian and particularly an Edmonds Rotarian.

Utility Rate

**3B. PUBLIC HEARING ON PROPOSED ORDINANCE AMENDING THE PROVISIONS OF EDMONDS CITY CODE SECTION 7.50.050, RATES AND CHARGES, TO INCREASE THE COMBINED UTILITY RATE, STORM WATER MANAGEMENT COMPONENT, BY FORTY-SEVEN CENTS PER MONTH.**

Administrative Services Director Dan Clements explained a presentation was made to the City Council on February 1 and the Finance Committee reviewed staff's rate recommendations at their January 11

meeting. The Council requested the public have additional opportunity for input and a public hearing was scheduled for tonight.

Mr. Clements summarized the three recommendations from the rate study conducted by FCS Group, 1) a 7% storm drainage rate increase in 2005 to help smooth the projected rate increase in 2006, 2) no rate increases for water and sewer utilities, and 3) evaluate capital improvement implementation and budgetary performance later in 2005 for all three utilities and reevaluate needs for future years.

Mr. Clements explained because the storm drainage portion was the smallest part of the utility bill, a 7% increase equated to an additional \$0.47 per month, or a 0.83% increase on the overall utility bill.

Mayor Haakenson opened the public participation portion of the public hearing. There were no members of the audience who wished to provide testimony and Mayor Haakenson closed the public hearing.

Ord# 3538  
Increase  
Combined  
Utility Rate

**COUNCILMEMBER ORVIS MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, FOR ADOPTION OF ORDINANCE NO. 3538. MOTION CARRIED UNANIMOUSLY. The ordinance reads as follows:**

**AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF SECTION 7.50.050 RATES AND CHARGES TO INCREASE THE COMBINED UTILITY RATE, STORM WATER MANAGEMENT COMPONENT BY FORTY-SEVEN CENTS PER MONTH, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.**

Amendments  
to the Edmonds  
Comprehensive  
Plan

4. **CONTINUED COUNCIL DELIBERATION ON THE PUBLIC HEARING HELD ON FEBRUARY 15, 2005, REGARDING AMENDMENTS TO THE EDMONDS COMPREHENSIVE PLAN CONCERNING THE DOWNTOWN WATERFRONT ACTIVITY CENTER (INCLUDING AMENDMENTS TO THE DOWNTOWN WATERFRONT PLAN). THE PROPOSAL WOULD ESTABLISH NEW “DISTRICTS” WITHIN THE DOWNTOWN AREA AND DESCRIBE THE USES AND DESIGN STANDARDS (INCLUDING HEIGHT AND SETBACKS) THAT WOULD APPLY; THIS INCLUDES A PROPOSED NEW HEIGHT LIMIT OF 33 FEET IN MOST DOWNTOWN COMMERCIAL AREAS TO ACCOMMODATE A NEW 12-FOOT FIRST FLOOR STANDARD.**

City Attorney Scott Snyder recalled comments during public testimony at the February 15, 2005, Council meeting regarding the lack of specific detail in the Comprehensive Plan. He explained the Comprehensive Plan was a general planning guideline. Once approved, the City would then enter into a process of developing specific and comprehensive development regulations to implement the general guidance of the Comprehensive Plan.

Mr. Snyder recalled several speakers also referred to a need for detailed architectural design regulations; he prepared a memo identifying several items that needed greater architectural detail during preparation of development regulations. Referring to the recent decision in Snohomish County Superior Court Bauer v. Edmonds, he noted if a judge disagreed with a long-standing interpretation of the Architectural Design Board (ADB) and staff, that was problematic because the City has the obligation under State law to provide specific direction for development. If such a gap exists, it needs to be addressed via specific architectural design guidelines in a process that will follow adoption of the Comprehensive Plan.

Mr. Snyder referred to an issue that was raised regarding the record providing adequate basis for the Planning Board's recommendation and whether there was an adequate record for other suggestions/positions made by the public. He explained this was a legislative decision and any decisions were appropriate as long as the Council showed its work, developed an adequate record and there had been appropriate compliance with the City's public participation plan. With regard to showing its work, he explained if the Council developed new ideas tonight, the Council needed to ensure their origin was

documented and an adequate record was established. He noted following the Council's deliberation, he may recommend some issues be referred back for development of a record and a work plan over the upcoming year for additional public hearings. For example, the Historic Preservation Commission provided very detailed recommendations; however, those amendments had not been the subject of a public hearing. The Council may wish to refer those for a public hearing as any change to the Comprehensive Plan is required by GMA and needs to be the subject of a Planning Board recommendation and public hearing and a public hearing before the City Council. He concluded any new, improved ideas the Council may develop that had not been highlighted in a public hearing may need to have additional public participation.

With regard to the record, he recalled a citizen pointed out there was sufficient record for the Planning Board's recommendation but there may not be for other positions. For example, implementation of the original height limit in the downtown area of 25 feet plus a pitched roof. This was within the Council's discretion but a further record may need to be developed as there is no historical data regarding how the City would meet GMA guidelines such as encouraging mixed use development and accommodating population goals because historical data based on a 30 foot height with modulation seems to indicate the result is two floors of residential property and first floor heights inadequate for commercial use.

In response to a comment made at the last meeting regarding the location of her home, Councilmember Moore explained her home is located in a single family residential zone and there was no proposal for any change to that zone; therefore, she had no conflict of interest. Mayor Haakenson clarified the zone where Councilmember Moore lived was single family residential prior to the Comprehensive Plan update and would remain single family residential with no change in the proposed Comprehensive Plan amendments.

Councilmember Plunkett remarked the Comprehensive Plan consisted of 11-12 different elements. Mr. Chave agreed, naming several including Land Use, Housing, Capital Facilities, Transportation, Parks & Recreation, and Community Culture and Open Space. Councilmember Plunkett observed the Council had focused its review on development portions of the Comprehensive Plan and asked whether staff could provide an overview on all the elements. Mr. Chave answered that could be done, explaining the focus this year has been on amendments to the Comprehensive Plan.

Councilmember Plunkett commented it would be difficult to make substantial changes to an element at this time without additional public hearings and establishing a record. Mr. Chave agreed, noting the subject of the prior public hearings had been the proposed amendments. Councilmember Plunkett pointed out the public did not usually become involved until the amendments reached the Council level. Mr. Chave commented although more people attended the Council meeting, most of the same viewpoints were expressed at the Planning Board and possibly in more detail because the Planning Board's public hearing did not have a 3-minute limit on comments.

Councilmember Plunkett concluded staff could make a presentation on all the elements and the Council could then hold a public hearing. Mr. Chave commented additional public hearing on this year's amendments could be problematic due to deadlines. He explained an application for a \$500,000 Public Works Trust Fund Loan for 100<sup>th</sup> Avenue stabilization project was due May 9, 2005; if the City did not have an adopted Comprehensive Plan and consistent development regulations in place, the application cannot be submitted.

Mr. Snyder commented if the proposed amendments raised additional issues, he suggested the Council refer those to the 2006 Comprehensive Plan amendment process which will begin as soon as the proposed amendments are approved. Mr. Chave explained the City tended to focus on different issues in different years as it was difficult to address the entire Comprehensive Plan in one year. Councilmember Plunkett concluded there was still some opportunity for additional public hearings but the window for those was

closing. Mr. Chave responded if any changes were made as a result of a subsequent public hearing that also required changes to the development regulations, there likely would not be sufficient time. He noted as a result of the Council's approval in concept of the RS-10 zoning, staff was in the process of completing the rezone for the Council's review in April and completion before the May deadline. Councilmember Plunkett summarized the issue was not only is there time for a public hearing but the results of the public hearing. Mr. Chave agreed with Mr. Snyder's suggestion, if there were issues that needed further public hearing and development regulations, it was appropriate to include those in the 2006 Comprehensive Plan amendments.

Mr. Snyder explained basically anything in the Downtown Waterfront Plan could be addressed; however, if the Council wanted to expand into other areas of the Comprehensive Plan, that had not been the subject of a public hearing and would be in violation of the Public Participation Plan if amended this year.

Councilmember Plunkett asked whether there had been discussion over the past year about something other than condominiums downtown such as apartments to increase density at a more affordable level. Mr. Chave answered condominiums versus apartments had not been discussed, commenting it would be difficult to distinguish/regulate between condominiums and apartments.

Councilmember Wilson questioned the need for the specificity in the Comprehensive Plan with regard to building heights. Mr. Snyder answered normally that degree of specificity was deferred to the development regulations. Staff and the Planning Board tried to highlight that issue because it was controversial and because of the time factor, it was more appropriate to have that issue resolved early in the process. Mr. Chave added the Planning Board wanted to ensure their intent was clear so that there would be no surprises when the development regulations followed to implement the direction in the Comprehensive Plan.

Councilmember Wilson commented that could be accomplished via vision and height ranges in the Comprehensive Plan followed by specifics in the development regulations rather than including specific building heights and first floor ceiling heights in the Comprehensive Plan. Mr. Chave answered the Planning Board wanted to be very clear with regard to their proposal. If the Council wanted to accomplish similar goals without the specific language, that could be done but it would make the development regulations phase more controversial. If that was the Council's desire, the key would be to include specific enough description so that the intent was clear during the development regulation phase. Mr. Snyder reiterated if the Council wanted to take a different policy direction such as leave the details to development regulations or pursue the current direction via specific Design Guidelines, the record could be created at the next level if general policy direction was provided at this level.

Councilmember Wilson remarked the Comprehensive Plan was a policy document. Mr. Chave reiterated the Planning Board was attempting to be as direct as possible. The approach suggested by Councilmember Wilson was supported by some public comment, getting the various positions together to discuss alternative approaches such as a design approach.

Councilmember Wilson asked for clarification that the Comprehensive Plan amendment and the development regulations to implement the Comprehensive Plan policies need to be completed prior to staff applying for the Public Works Trust Fund loan. Mr. Chave answered the City needed to have development regulations consistent with the Comprehensive Plan. One of the most critical is the RS-10 zoning on which the Council has already provided direction. If the Council removed the specifics regarding the 33-foot height limit and 12-foot first floor ceiling height and left the downtown districts intact as recommended, the BC zone still largely implements that recommendation.

Councilmember Wilson questioned the connection between applying for a Public Works Trust Fund loan and development regulations. Mr. Chave answered one change that must be made in the development regulations is the RS-10 zoning, other regulations only needed to be updated if the Comprehensive Plan

was changed to an extent that the current regulations were inconsistent. When the City submits the updated Comprehensive Plan to CTED, the City also adopts a resolution concluding development regulations are consistent with the Comprehensive Plan. If changes were made to the Comprehensive Plan such as establishing different height limits in certain districts, the Council could not honestly adopt a resolution stating the development regulations were consistent with that policy.

Responding further to Councilmember Wilson, Mr. Chave explained one of the application review criteria on the loan application was an adopted Comprehensive Plan and consistent development regulations. CTED requires an adopted resolution that states the development regulations are consistent with the updated Comprehensive Plan. If the Council could not adopt such a resolution, CTED could not certify that the City's development regulations were consistent with the Comprehensive Plan and the City could not meet the criteria for submitting the application.

Councilmember Wilson asked whether the City was being encouraged to shortcut the public participation process to have consistent development regulations. Mr. Chave reiterated that was why the Planning Board wanted to be specific at the Comprehensive Plan level so that the development regulations were not a surprise and would be less controversial. If the Council was not comfortable with the specifics and provided general direction in the Comprehensive Plan with the intent of working out the details later, that should be sufficient. Mr. Chave emphasized that was one of the criteria for Public Works Trust Fund loans and different agencies evaluate in different ways, for example a letter from CTED saying the City was working on its update was sufficient for submitting a FEMA grant. He concluded the Public Works Trust Fund loan process was one of the most rigorous.

Councilmember Wilson asked whether the City had the ability to establish a minimum density requirement in multi family designations. Mr. Snyder agreed that was a valid form of zoning. The Council could provide general direction and then use development regulations to implement that policy. Councilmember Wilson asked whether the City had the ability via the Comprehensive Plan process to set policy that would require new development to provide a certain percentage of affordable housing. Mr. Snyder commented those goals already existed in the Comprehensive Plan; the task would be to prepare implementing development regulations.

Councilmember Orvis inquired about the height limit in the Planned Residential-Office designation. Mr. Chave answered it was 25 feet and the language in the Comprehensive Plan does not indicate the height would be calculated any differently than the method used to measure height on any other property. Councilmember Orvis clarified the height was not 25 feet plus 5 feet, it was 25 feet, the same as a single family residence. Mr. Chave agreed.

Councilmember Orvis noted there were provisions in the Comprehensive Plan for first floor residential in the BC zone beyond a depth of 90 feet if adjacent to a residential neighborhood. He asked whether Planning Board review would be required if the scope of ground floor residential were expanded to all buildings, not just those adjacent to a residential neighborhood, and if the depth were reduced from 90 feet to 60 feet. Mr. Chave answered it would be acceptable if there was sufficient logic in the record of the Council's deliberations. Mr. Snyder advised the record would need to show that the City was encouraging mixed use development and that there was an adequate commercial area. Councilmember Orvis observed currently the commercial depth only needed to be 30 feet and parking was allowed in the remaining depth; a depth of 60 feet would be more than was currently required.

Councilmember Orvis asked whether the language in the Comprehensive Plan would accommodate two floors of commercial in front and three floors of condominiums in back. Mr. Chave read the current language, first floors are required to be a minimum of 12-feet in height (floor to ceiling plate) to accommodate retail and other commercial uses. He anticipated the language would require 12 foot

ceiling heights in the commercial areas and not require 12 feet in the residential portion. He summarized that would need to be specified in the development regulations. Mr. Chave suggested if that was the Council desire, they direct staff via the legislative record and include it in the ordinance.

Council President Marin explained tonight there would likely be a motion to approve the Comprehensive Plan, anticipating Councilmembers would describe potential amendments to provide Councilmembers an opportunity to review the amendments prior to next week and then the Council would take action on amendments at next week's meeting.

Council President Marin provided a slide presentation, explaining he was not as interested in the entire BC zone as ensuring there were viable first floors on lots that face Main Street and 5<sup>th</sup> Avenue up to Walnut. He displayed a series of photographs taken from the vantage point of the first housing unit – the current view and projecting the outline of a 33-foot building to illustrate the impact on the view: looking down the alley between Bell & Main Streets, the view down Main Street, Dayton Street, Maple Street, Alder Street, and Walnut Street. He pointed out little of the views were lost with the construction of a 33-foot building and the view that was lost was not such a great picture. He concluded Walnut was as far south as he was interested in ensuring there was pedestrian-oriented retail.

Council President Marin continued his slide presentation, showing a photograph of a building near the fountain, pointing out a single story building obliterates the view of Puget Sound. He pointed the first floor shop/window dressing was what most pedestrians saw. He reported on a recent trip to San Francisco where he realized most of the way a building related to the street was its first floor. He displayed a photograph of an older Edmonds building with interesting architecture, pointing out what a pedestrian saw/related to was the first floor. He concluded as one walked around downtown, most of the facades above the first floor were uninteresting. He displayed a drawing illustrating a building's view over another building and the obstruction of that view when a taller building was constructed. He concluded this had nothing to do with the Comprehensive Plan as this was already occurring downtown.

Council President Marin displayed another drawing illustrating the building above that had a view over another building may have obstructed the view of another building when it was constructed. He displayed a drawing illustrating a person standing at the base of a 30-foot building looking at the top of a 30-foot building across the street, then a drawing showing when both buildings were moved back 3 feet, the same sight line was at 31.2 feet as well as introduced more light and sky onto the street. He wanted to ensure the Comprehensive Plan and development regulations did not prevent developers from constructing buildings with courtyards and other amenities such as the Windermere building downtown.

Council President Marin displayed a map of the properties in the BC zone that he recommended allowing a 33-foot height limit and requiring a 12-foot ceiling height in exchange for wider sidewalks and design guidelines. He was less interested in a building height over 30 feet or 12-foot first floor heights in the remainder of the BC zone. He pointed out the need for balance to ensure that as properties redevelop, the downtown can evolve and continue to be vital.

Council President Marin proposed amending the map to only require the 12-foot first floor height on the properties that front on Main Street and 5<sup>th</sup> Avenue. Next, he proposed amending the map to allow either commercial or residential for the property located at Dayton & 6<sup>th</sup> (the American Legion) as research has indicated first floor commercial in that location is not appropriate. He also proposed an amendment to replace the "floor to ceiling plate" requirement of 12 feet to "floor to floor" which would provide developers flexibility regarding the floor structure, plumbing, HVAC, etc.

Councilmember Plunkett referred to the properties Council President Marin recommended be allowed a 33-foot building height and required to have 12-foot first floor ceiling heights, commenting he would not

support anything that would increase the likelihood that those businesses would move or the buildings would be replaced.

Councilmember Plunkett explained his original intent had been to present the amendments recommended by the Historic Preservation Commission (HPC) tonight and make the amendments next week; however, based on the information provided by Mr. Snyder tonight, it is clear further discussion with staff will be necessary to determine which amendments are appropriate in this process. Councilmember Plunkett explained many of the amendments are in response to the HPC's finding that there was not enough emphasis in the Comprehensive Plan on preserving, protecting, and restoring existing buildings.

Councilmember Plunkett presented the HPC's findings and recommendations which found the Comprehensive Plan was lacking in four ways, 1) insufficient reference to HPC goals, 2) insufficient implementation strategies, 3) insufficient design objectives, and 4) does not include the recommendations of the historic survey report. He provided a PowerPoint presentation with several recommended amendments. To address insufficient reference to HPC goals, he described several amendments that would encourage adaptive reuse as an alternative to redevelopment in several sections.

To address insufficient implementation strategies for historic preservation, Councilmember Plunkett relayed the HPC's finding that the nexus between goals and implementation strategies was not sufficient. He described several specific amendments that would provide policy with regard to implementation. The HPC also recommends Fountain Square be reviewed for concurrence with the recommendations of the professional historic study and possible further amendments made next year. To address insufficient design objectives, Councilmember Plunkett relayed the HPC's finding that the design objectives for the Downtown Waterfront areas were missing design elements that could apply to properties on the Edmonds Historic Register. He reviewed specific amendments to address signage, building forms, architectural reproduction of historic buildings as well as the inclusion of a section on historic preservation in the design objectives.

Councilmember Plunkett relayed the HPC's recommendation that the recently completed historic survey of downtown Edmonds, that identified 80 structures that qualify for the Edmonds Historic Register, be included in the 2004 Comprehensive Plan. He summarized although there were numerous amendments related to historic preservation, most citizens would find preservation of the downtown character as high a priority as public safety and the economic health of the community. He concluded some of the proposed amendments may require further public hearings.

For Council President Marin, Councilmember Plunkett explained a request to place a property on the historic register could be made by anyone; staff and the HPC determine whether it meets the criteria and the property owner makes the final decision with regard to placing it on the historic register.

Councilmember Moore inquired what parameters were used to determine which buildings were historic. Councilmember Plunkett advised those standards were contained in the report. HPC Member Darrell Marmion advised the state-defined criteria described in the ordinance were used. He offered to provide the criteria to the Council. Councilmember Wilson requested the map that identified the properties.

Councilmember Dawson observed there appeared to be some confusion during public comment regarding how the height in the Planned Residential-Office would be measured. Mr. Chave answered originally the Planning Board considered 25 feet from the street grade which would have been a different method of measuring height. During their deliberations, the Planning Board was clear that the 25-foot height should be measured in the manner that height is calculated on any property – the four corners. Absent any additional direction from the Council, that was the intent.

Councilmember Dawson recalled the testimony regarding a specific project on that site indicated that method would not work for their project. Mr. Chave agreed they indicated 25 feet from the average grade



would not be workable for their project. Councilmember Dawson observed it appeared the reason those parcels were designated in that manner by the Planning Board was in response to one project. Mr. Chave answered there was no specific design connected to the Planning Board's recommendation; that project was an example of what could be done with the property. The Planning Board considered the topography, relationship to other uses, etc. and absent this project, their recommendation would remain.

Councilmember Dawson suggested there be further clarification regarding how the height would be measured to avoid a challenge to what was intended. Mr. Chave answered the Planning Board's intent was to have the height measured as any other height in the City. Councilmember Dawson inquired about setbacks on those properties. Mr. Chave answered there was a great deal of discussion; however, the Planning Board agreed the setbacks were a development regulation issue.

Councilmember Dawson expressed her appreciation for the information provided by Councilmember Plunkett and the HPC, agreeing historic preservation was missing from the proposed Comprehensive Plan. She agreed many citizens were as concerned with the demolition of old buildings and redevelopment as they were with having a lot of tall buildings. Many citizens may be interested in making it more difficult to construct tall buildings to avoid demolition of all the old buildings. She supported encouraging historic preservation to ensure existing buildings were allowed to remain.

Councilmember Dawson observed the 33-foot building height was not consistent with the goals in the Comprehensive Plan. She identified specific goals in the Comprehensive Plan including the goal to promote downtown as a setting for retail, office, entertainment and associated businesses supported by nearby residents and the larger Edmonds community as a designation for visitors from throughout the region, commenting that anything that took away from what currently exists did not promote Edmonds as a destination and could result in the loss of the uniqueness of the downtown.

Councilmember Dawson referred to the Downtown Waterfront Plan Policies, specifically, ensure that the downtown waterfront area continues – and builds on – its function as a key identity element for the Edmonds Community, commenting that policy could be expanded with regard to historic preservation. If the existing buildings were replaced with new buildings, it would take away the key identity element of downtown Edmonds. She referred to the goal in the Comprehensive Plan, encouraging opportunities for new development and redevelopment that reinforce Edmonds attractive, small town, pedestrian-oriented character, height limits that reinforce and require pedestrian-scale development are an important part of the quality of life and should be implemented through zoning regulations and design guidelines, pointing out this statement was not consistent with increasing allowable building heights and should have some reference to historic preservation.

Councilmember Dawson referred to the statement in the Comprehensive Plan, providing greater residential opportunities and personal services in the downtown especially to accommodate the changing population, concluding that encouraging two stories of expensive condominium was not necessarily accommodating the changing population. She suggested consideration be given to accommodating services and housing affordable to a greater range of the population.

With regard to Council President Marin's presentation, Councilmember Dawson emphasized the projected 33-foot height represented a dramatic change because not only would there be a taller building, the existing building would be lost. It was not just a matter of views of the water and mountains, it was about shadowing, maintaining the existing openness in the downtown, which the setbacks to provide wider sidewalks did not accomplish. She summarized the Council may have more work to do to accomplish these goals and to ensure a viable, economic setting downtown. She pointed out the Heartland study did not consider the viability of 2-story commercial development, an issue that may need to be considered. She urged the Council to move forward cautiously and err on the side of preservation.

Councilmember Wilson disagreed with Council President Marin's suggestion to make the commercial core smaller, noting the properties Council President Marin identified did not represent a downtown but rather a strip mall. Although the Heartland study provided information regarding redevelopment, it only resulted in specifics with regard to 33 feet versus 25 feet and did not address the vision for the downtown – the existing character and quality that people like – and how to move that character and quality forward. He noted the Council's task was to do what they could to preserve the past as well as look to the future, capture the essence of the qualities of downtown today and move into the future. He expressed concern that the focus was creating an urban downtown when Edmonds was a suburban downtown. Although he recognized the benefit of a mixture of housing in downtown, he found regulations that promoted functional retail space on the ground floor to be a platform for low density, condominium use on the upper floors which was not the vision for downtown.

With regard to downtown building heights, Councilmember Wilson commented heights should not be the focus of the discussion; pedestrian scale was not related to building height, it was a number of factors including building design, relation to the street, building materials, windows, entries, etc. He supported the creation of design guidelines that create pedestrian scale so that buildings mimic the character that people associate with downtown Edmonds and that attracts people to the downtown. He reiterated his disagreement with limiting the area of downtown, preferring the downtown be allowed to grow in order to be successful. He cautioned the Council against a quick fix/solution versus long term goals. He pointed out the quick fix on Hwy. 99 that resulted in the conversion of industrial property to apartments which eliminated the industrial commercial base. He concluded once the vision for downtown was defined, then issues such as pedestrian scale, appropriate heights, etc. could be addressed.

Councilmember Wilson commented due to his experience, he often looked at the upper floors of buildings, noting attractive, well designed buildings, modulation, facades, materials, etc. attract people to downtown just as the commercial establishments attract people. Council President Marin's depiction of a 33-foot tall building illustrated the impact but also provided a negative message because it illustrated the mass of square building at 33-feet. However, with appropriate design standards that allowed some portions of a building to extend to 33-feet could result in an attractive building that did not have the mass illustrated in Council President Marin's examples. He noted additional height may allow parapets that screen mechanical equipment.

With regard to density downtown, Councilmember Wilson noted if the intent was to increase population downtown to provide a benefit to commercial, consideration should be given to establishing minimum densities. The large condominiums that are currently being constructed result in very low density whereas increasing the density and constructing smaller units would attract more people and more diverse lifestyles downtown. He was also concerned that condominiums downtown precludes conversion in the future; apartments downtown could provide more affordable housing as well as the ability to convert uses.

Councilmember Wilson was interested in establishing a vision for downtown, whether it is a retail/commercial corridor with opportunities for the future or low density condominium with retail space on the first floor. He supported the concept of a minimum first floor height and agreed with the suggestion to define it as "floor to floor." Although he did not disagree with the concepts with regard to historic preservation, he supported providing incentives but not legislating that buildings be preserved. Due to the timeline, it may be necessary to postpone some issues to the 2006 amendment.

Councilmember Plunkett assured it was not the intent of the HPC or any of the amendments to require any property owner to do anything with their building. The HPC's intent was to provide incentives to preserve older buildings and to allow them to continue to be economically viable.

With regard to the proposed amendments relating to historic preservation, Mr. Snyder concurred with the reference to reuse which comprised a majority of the recommended changes. He noted the

recommendations related almost entirely to programmatic issues which were budgetary issues, not development regulations or Comprehensive Plan issues and the City Council could implement them at anytime throughout the year as the Council found appropriate. He identified four amendments, H-3.2 which relates to form, H-3.3 which relates to massing, H-2.5 which relates to the fountain area and the role of the HPC in design elements for that area, and the recommendation in the report related to development incentives that had not had public input and were new concepts. He suggested if the Council was interested in pursuing those, they be referred to the development regulatory process which will follow shortly. With regard to adopting the report as part of the Comprehensive Plan, he suggested formal adoption be a 2006 amendment as an entirely new Comprehensive Plan element.

Mr. Chave advised the HPC intended to make a presentation to the Council regarding the survey. He noted a survey was not typically a Comprehensive Plan level document; normally such a report would be followed by an implementation program and possibly included as part of a historic preservation element in the Comprehensive Plan.

Councilmember Moore encouraged the Council to consider amending the Comprehensive Plan to include the walkway over the railroad tracks to Marina Beach as requested by the Port. She offered to craft an amendment for consideration next week. She expressed her appreciation for the HPC's work and agreed with Mr. Snyder's comments. She agreed with Councilmember Wilson's comment about not limiting the downtown area as much as Council President Marin suggested and about giving consideration to minimum densities. She expressed her appreciation to Council President Marin for providing the visuals.

Councilmember Moore commented the Council could have been working on a vision for the downtown this year; however, the Council did not do that even though she recalled Mayor Haakenson imploring the Council to develop a vision. As the Council now had a Comprehensive Plan that needed to be approved, she suggested the Council work on a vision as part of the 2006 process to give the Planning Board guidance.

Council President Marin explained his projection of a 33-foot tall building represented the maximum envelope and was not a suggestion that buildings would be a square mass. His intent was merely to illustrate the maximum size that could be constructed. He encouraged Councilmembers to walk downtown and observe for themselves that there were few interesting architectural details on most buildings and a preponderance of square buildings. He envisioned buildings with architectural details such as the turrets on the bank at Walnut and 5<sup>th</sup>, the courtyard on the Windermere building, different textures, etc., features that make buildings interesting.

Councilmember Moore suggested an experimental charette to identify buildings the public liked and disliked for use in developing the vision for downtown. She agreed with Council President Marin's observation that what people saw was the shops on the first floor. She pointed out the people in the shops were part of the small town feel and was the reason Edmonds was designated the friendliest town. She noted she visits her favorite shop in downtown for the people and their products, not for their building which is not an architectural delight, has substandard plumbing and heating and no air conditioning. She noted if that business moved, she would visit them in their new location. She commented Edmonds was lucky to have retailers who provide that atmosphere, emphasizing that was what created a small town atmosphere and had nothing to do with buildings. She noted the heart of any town was its businesses and its public facilities; without those, it wasn't a town, it was only a neighborhood.

Councilmember Orvis wanted to ensure buildings that developed downtown were capable of supporting the type of businesses that citizens want – retail and restaurants. To accomplish that, there needed to be sufficient ceiling heights and sufficient depth. He noted because of the current requirements, first floors had low ceiling heights and commercial spaces can be only 30 feet deep. He recommended increasing the first floor height and depth. He did not necessarily agree a 33-foot building height was necessary to

accomplish that and disagreed with many of the assumptions in the Heartland study. He encouraged the Council to consider ground floor residential, noting because ground floor residential was currently not allowed, the depth behind the commercial space was used for parking. He found this could be better utilized as residential as it would increase the feasibility of buildings and had the potential to assist existing buildings by allowing them to convert the space behind commercial to condominiums.

Councilmember Orvis supported the amendments proposed by the HPC and the recommendation made by the Port with regard to the walkway over the railroad tracks to the waterfront.

Councilmember Plunkett commented sooner or later the Council needed to make a decision on the Comprehensive Plan; he questioned how the Council would develop a vision now. He did not support the proposed 33-foot building height. He urged the Council to consider the adaptive reuse/historic preservation amendments. He clarified although he assisted with organizing the amendments, Historic Preservation Commissioner Darrell Marmion was the spirit behind the 16 amendments.

Councilmember Wilson stated the Arts Corridor was a great start and there was a great deal of benefit to considering the charm of that area and using the existing structures to make a connection between the Performing Arts Center and downtown. However, he was unsure where the language with regard to the Arts Corridor promoted the use of the existing stock of structures for a live/work environment, commenting it appeared to provide an opportunity for converting the area to mixed use structures rather than promoting use of existing structures. He requested staff provide further clarification.

Councilmember Wilson agreed with Councilmember Moore that much of what defined the character of downtown was the businesses and the City needed to do what it could to support those businesses. He suggested the Council also consider how parking was provided downtown if there was interest in making spaces viable as much of what drives the cost of a building is providing below grade or surface parking. He noted this may be the driver for taller buildings to generate more revenue via more leasable space. He summarized how parking was provided contributed to the cost of developing/redeveloping property downtown. He noted the success of historic preservation would also add to parking issues.

Councilmember Wilson reiterated it was not appropriate to identify a specific building height in the Comprehensive Plan. The Comprehensive Plan should address policy such as pedestrian scale and development regulations should implement that policy. He suggested the Council may need to develop a vision for downtown as part of the 2006 process.

Councilmember Olson recalled the audience commenting at last week's public hearing on what a great place Anacortes is. She referred to a Sunday newspaper article that indicated Anacortes has the same problems Edmonds has such as the need for economic development. She supported the transition zone on Sunset, commenting it was an opportunity to construct a building on those lots to replace the blackberries that have occupied that area for so long.

In response to a question from Councilmember Moore regarding the process, Council President Marin anticipated a motion for approval of the Comprehensive Plan followed by amendments and discussion on the amendments and eventual adoption of the Comprehensive Plan. Mayor Haakenson suggested Councilmembers provided proposed amendments in writing to staff and each other as soon as possible to provide an opportunity for review prior to the next meeting.

Mayor Haakenson remanded the matter to Council for action.

**COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER OLSON, TO APPROVE THE DOWNTOWN-WATERFRONT PLAN.**

Mayor Haakenson advised the Council would continue their deliberation at the March 1 Council meeting.

## 5. AUDIENCE COMMENTS

Building  
Height

**Rowena Miller, 8711 182<sup>nd</sup> Place SW, Edmonds**, supported developing a vision. She supported a 25-foot building height, commenting building heights affected how the city felt. She referred to Jacksonville, Oregon, where the entire town is on the Historic Register, one of three such towns in the nation. She suggested the BC zone be extended to the Art Corridor and make that a historic corridor. She pointed out the energy loss of unneeded higher ceilings, relaying the PUD Energy Conservation Department's indication that regardless of how modern the equipment or building materials were, increasing the ceiling height increased the cost to heat or cool the space; increasing an 8-foot ceiling to a 12-foot ceiling would result in approximately a 30% energy loss. She noted it would not be necessary to have 12-foot ceiling in all downtown first floors as offices did not need the additional ceiling height. With regard to the Council's upcoming retreat, she expressed dismay that the retreat would be held in LaConner again. If the Council was interested in economic development, she recommended the retreat be held in Edmonds which would not only keep sales tax in Edmonds but make the retreat accessible to the citizens.

Council  
Retreat

Lake  
Ballinger

**Al Rutledge, 7101 Lake Ballinger Way, Edmonds**, recalled budget cuts made in 1991 with regard to Lake Ballinger were never restored; he requested funding in the 2006 and 2007 budgets, noting the Engineering Department was aware of the problems. He advised their next meeting was scheduled for March 1 at 7:00 p.m. in the Mountlake Terrace Library. Next, he encouraged the public to donate to the Kiwanis food drive on March 18 – 20 at Top Foods and possibly other local stores.

Building  
Height

**Ran Wambolt, 530 Dayton Street, Edmonds**, commented many seem to think the primary opposition to 33-foot building heights is view blockage. Although that is a concern, the central reason for the opposition is as Councilmember Dawson described. He noted the Windermere building that Council President Marin identified as a building he liked was constructed under the existing code.

Comprehensive  
Plan  
Amendments

**Ray Martin, 18704 94<sup>th</sup> Avenue W, Edmonds**, commented 20 years ago he took pride in the City Council and it had been several years since he had that feeling. Tonight, he felt some pride in the Council, commenting he was impressed with Councilmember Plunkett's presentation. He commented Councilmember Dawson was great as always and Councilmembers Wilson and Orvis expressed sensitivity to what the public has been expressing. The Councilmembers were having an influence on others and urged them to keep up the good work. He concluded the Council demonstrated leadership tonight, both as individuals and as a group.

Comprehensive  
Plan  
Amendments

**Don Kreiman, 24006 95<sup>th</sup> Place W, Edmonds**, expressed his disappointment in the Council. He described his participation in the process, the opportunity the public had to provide testimony and the hours of work the Planning Board put into the amendments, concluding it was the most ideal process he had seen. He urged the Council to respect the Planning Board's work on the Comprehensive Plan. He pointed out if the Council had a vision for the City, they should have informed the Planning Board and they would have complied with the vision; however, the Council had not provided a vision. He reiterated his disappointment and lack of respect for the Council, pointing out after everyone had an opportunity to have input in the process, now the Council was saying it needed to develop a vision.

Comprehensive  
Plan  
Amendments

**Roger Hertrich, 1020 Puget Drive, Edmonds**, referred to Anacortes as an alternative to what has been suggested by the Planning Board. He suggested the City contact the City of Anacortes and their Chamber and discuss what has worked for them. He recalled at Planning Board meetings, staff made presentations and Heartland was hired to "make the sell" for 12-foot first floor ceiling heights and 33-foot building heights, however, the public's comments regarding preservation of historic aspects were not considered.

Comprehensive  
Plan  
Amendments

**Mathew Brenan**, owner of property at 207 5<sup>th</sup> Avenue NE, Edmonds, recalled half the audience at last week's Council meeting spoke in favor of the Comprehensive Plan. He noted the article regarding

Anacortes, a town less than half the size of Edmonds, indicated they have serious issues. He recalled Anacortes was seeking a balance, pointing out Edmonds also needed to find a balance. He noted Edmonds may become the fourth town in the United States to be entirely historic because nothing was getting done.

Comprehensive  
Plan  
Amendments

**Bob Gregg, 16550 76<sup>th</sup> Avenue W, Edmonds**, commented to Councilmembers who were opposed to the height increase that some of the nicest historic buildings were higher than the height limit, some were 40 feet tall. He pointed out he had never said 33 feet was the right height, just that the objectives that the City was attempting to achieve were the right objectives. He agreed it may be necessary to pass the Comprehensive Plan and leave specific details to development regulations.

Planned  
Residential-  
Office Zone on  
Sunset

**John Bissell, 8630 217<sup>th</sup> Street, Edmonds**, representing a client, sought clarification with regard to the Planned Residential-Office zone on Sunset. He noted a business owner in the City was interested in relocating to that site; however, due to the topography, a 25-foot flat roof building was not feasible on that site. The developer interested in locating on this site could put equity into the site that other developers may not; the feasibility of a building on the site was based on the business owner constructing a building for their business and residence. He noted such a structure was only feasible with the 25 feet plus 5 feet building height; absent that height, even with the equity this developer could provide, the project was not feasible. If the City wanted to retain a good, strong, vital Edmonds business that employed Edmonds residents, he urged the Council to consider making the approval as general as possible and removing the 25-foot height limit and allowing that to be addressed via the code, or be more specific and allow a height consistent with the existing BC zone. He reiterated development was not feasible with a height limit of 25 feet measured from the four corners due to the topography of the site.

#### 6. MAYOR'S COMMENTS

Mayor Haakenson had no report.

#### 7. INDIVIDUAL COUNCIL REPORTS ON OUTSIDE COMMITTEE/BOARD MEETINGS

Communi-  
Transit

Council President Marin reported over the past six months, Community Transit has been developing a new logo and bus design and recently received six new buses with the new graphics. He advised the buses would eventually be part of bus rapid transit that was envisioned to operate on Hwy. 99.

AWC  
Conference

Councilmember Moore reported on the AWC conference where discussion centered on economic development as well as telecommunications. She noted Edmonds was considering what telecommunications can be provided to citizens less expensively and better. She recalled in informal meetings at the AWC conference, there was interest expressed by neighboring cities in identifying ways to partner. In addition, she reported the Public Facility District was working through some difficult funding issues and will be presenting a plan to the Council in the next few weeks.

Public Facility  
District

AWC  
Conference

Councilmember Olson reported the AWC conference also included a great deal of discussion regarding transportation.

Council Retreat

Councilmember Plunkett recalled in 1999, 2000 and 2001 he would often state his opposition to holding the retreat in LaConner. In 2002 and 2003, the Council held its retreat in Edmonds. In 2004 when he was Council President and felt an obligation to fulfill the will of the Council, the retreat was held in LaConner. He again expressed his preference that the retreat be held in the City, commenting the benefits of remaining in the City outweigh the benefits of going to LaConner. He noted in LaConner the Council was able to get more work done and the retreat was more intense; however, by remaining in the City, more citizens were able to attend.

Downtown  
Parking  
Committee

With regard to the Downtown Parking Committee, Councilmember Plunkett described walking around the area where the new performing arts center is proposed to be located in response to three perceived problems. First, with the increase in the number of people parking around the performing arts center, the permitted parking zone was too small. The Parking Committee will soon be proposing ordinances to the Council to expand zones where permitted parking would be allowed. Second, due to a security concern with addresses printed on parking permits, permits will be color coded. Third, Traffic Engineer Darrell Smith has developed some options to address the 4-5 residences near the performing arts center that do not have off-street parking. He advised those items would be presented to the Council in the next few months.

SnoCom

Councilmember Dawson reported the SnoCom meeting was postponed to next week due to the AWC conference. She reported while at the conference, a dinner was held on behalf of Snohomish County Cities and Towns. She thanked Mayor Haakenson and Councilmembers for attending as well as Senator Paull Shin and Representative Mary Helen Roberts. Councilmember Dawson expressed particular appreciation to Linda Carl, Mayor Haakenson's Executive Assistant, for her assistance.

AWC  
Conference

Excused  
Absence

**COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO EXCUSE COUNCILMEMBER WILSON FROM THE FEBRUARY 15, 2005, COUNCIL MEETING. MOTION CARRIED (6-0-1), COUNCILMEMBER WILSON ABSTAINED.**

Mayor Haakenson advised tomorrow he and nine other mayors from large cities would be in Olympia to inform the Legislature and the Governor that cities are in trouble and need their help.

With no further business, the Council meeting was adjourned at 9:50 p.m.